

Heidi W. Abbott, Chair
Tamara Neo, Vice-Chair
Karen Cooper-Collins, Secretary
Anthony W. Bailey
William C. Boshier, Jr.
David R. Hines
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COMMONWEALTH of VIRGINIA *Board of Juvenile Justice*

DRAFT MEETING MINUTES

September 10, 2014

Shenandoah Valley Juvenile Center
300 Technology Drive
Staunton, Virginia 24401

Board Members Present: Heidi Abbott, Anthony Bailey, William "Bill" Boshier, Helivi Holland, Tamara Neo

Board Members Absent: Karen Cooper-Collins, David Hines, Robyn Diehl McDougale, Kenneth Stolle

DJJ Staff Present: Kenneth "Ken" Bailey, Andrew "Andy" K. Block, Jr., Marc Booker, Wendy Hoffman, Joy Lugar, Mark Murphy, Margaret O'Shea (Attorney General's Office), Deron Phipps, Ralph Thomas, Angela Valentine, Janet Van Cuyk, Barbara Peterson-Wilson

Guests Present: Tom Brenneman, Tim Showalter (Shenandoah Valley Juvenile Center) Jason Houtz (Fairfax Juvenile Detention Center), Dan Fallen (Lynchburg Juvenile Services), Bill Allen (Virginia A&E), Tamara Rosser (Lynchburg Juvenile Services), Dee Dee Conner (Lynchburg Juvenile Services), Greg Hopkins (City of Richmond Justice Services), Letta Jones (Richmond Detention Center), Marcus Tucker (Richmond Detention Center)

CALL TO ORDER

Chairperson Heidi Abbott called the meeting to order at 9:52 a.m.

INTRODUCTIONS

Chairperson Abbott welcomed all that were present and asked for introductions.

APPROVAL of June 11, 2014, MINUTES

The minutes of the June 11, 2014, Board meeting were provided for approval. On MOTION duly made by Tamara Neo and seconded by Helivi Holland to approve the minutes as presented. Motion carried.

Chairperson Abbott introduced the Executive Director of the Shenandoah Valley Juvenile Center, Tim Smith.

WELCOME REMARKS

Tim Smith, Executive Director, Shenandoah Valley Juvenile Center

Mr. Smith welcomed the Board of Juvenile Justice and guests to the Shenandoah Valley Juvenile Detention Center noted as one of the best detention centers in the Commonwealth. The facility is twelve years old and is one of the first “green” correctional buildings in the United States.

PUBLIC COMMENT PERIOD

There was no public comment.

DIRECTOR’S CERTIFICATION ACTIONS

Ken Bailey, Certification Unit Manager, Department of Juvenile Justice

Included in the Board’s packet are the individual reports and the summary of the Director’s certification actions completed on July 15, 2014.

Mr. Bailey noted that the certification actions for the Fairfax Boys’ Probation House were extended for three months because a non-compliance with a mandatory standard was still in effect during the Certification Team’s last status visit. The Fairfax Boys’ Probation House has three months to bring that mandatory standard into compliance and then the Director will reconsider the certification action for that program. The mandatory standard involves a standing order for over-the-counter medications.

OTHER BUSINESS**REQUEST TO OPERATE A POST DISPOSITIONAL PROGRAM**

Mr. Bailey stated that the regulations require the Board of Juvenile Justice (the Board) to grant approval for post dispositional retention programs. Once the program is approved by the Board, then the program will become a normal part of the Richmond Juvenile Detention Center’s certification audits. The Certification Unit has conducted an audit on the post dispositional component and all the applicable regulations were determined to be in compliance.

Letta Jones, Richmond Juvenile Detention Center

On behalf of the Richmond Juvenile Detention Center, Ms. Jones is requesting approval to operate a post dispositional program, in coalition with the 13th Court Service Unit, to include a 15 bed facility with ten boys and five girls. Court referrals are being received, a Post Dispositional Program Coordinator has been appointed, and the program is ready to be implemented. Ms. Jones requested the Board approve the Richmond Juvenile Detention Center operating a post dispositional program in accordance with the regulations.

Director Block noted his support of the program and indicated he has heard from the Richmond Juvenile and Domestic Relations judges on their support of the program as well. Director Block went on to share the benefits of having a commitment alternative available that will provide education, treatment, and keeping the youth connected to the community.

Board Member Boshier asked what offenses are considered when placing a youth in the post dispositional program.

Marcus Tucker from the Richmond Juvenile Detention Center stated that there is a standardized assessment that basically denies or allows a child into the program.

Chairperson Abbott noted that she has also heard from the Richmond Juvenile and Domestic Relations judges and they are anxious for the program to move forward. Board Member Holland noted her full support of the program.

On a MOTION duly made by Helivi Holland and seconded by Anthony Bailey to approve the request of the Richmond Juvenile Detention Center to operate a Post Dispositional Program for 15 residents in accordance with the Department of Juvenile Justice regulation 6VAC35-101-1160. Motion carried.

VIRGINIA JUVENILE DETENTION ASSOCIATION'S VARIANCE REQUEST

Jason Houtz, Fairfax Juvenile Detention Center, representing the Virginia Juvenile Detention Association (the Association)

On behalf of the Association, Mr. Houtz is requesting a blanket variance to 6VAC35-101-200 (C) of the Regulation Governing Juvenile Secure Detention Centers which requires that all direct care staff receive at least 40 hours of training annually. Specifically, the Association is requesting that part-time direct care staff be exempt from the 40 hours of training requirement but not exempt from annual retraining on the seven areas enumerated in 6VAC35-101-200 (C).

Facilities utilize part-time staff on an as-needed basis and the number of hours that they may work can vary greatly. Most facilities have "built-in" training days, as part of the shift rotations, for full-time staff to ensure they receive their 40 hours. Those days are part of the full-time staff's scheduled work week. Coordinating the opportunity for part-time staff would be unrealistic as many part-time staff work full-time jobs elsewhere which prevents many of them from attending facility scheduled training.

The Association recognizes and values the need for annual refresher training for all staff. It is important to note that standards always required and continue to require that newly hired part-time staff receive 40 hours of initial training, providing an in-depth overview of what is required as a direct care staff in a secure juvenile detention facility. The Association supports the need for initial and ongoing training for part-time staff, but feels the 40 hour requirement for part-time staff is an additional, new burden for facilities.

Janet Van Cuyk, Legislative and Research Manager for the Department of Juvenile Justice (the Department), explained that the 200 regulation cross references other sections of the regulations that mandate the training requirements. If the Board approves the waiver for this requirement, the other regulations that mandate training still apply. So the facilities will still need to complete the mandatory training, such as emergency preparedness, suicide prevention stated elsewhere in the standard. Ms. Van Cuyk noted that 40 hours of training is required initially and 40 hours of training is required thereafter annually.

Board Member Holland asked why the part-time employees would not need the same training as the full-time employees. If a decision has been made that a certain amount of training, regardless of whether they are part-time or full-time, is required then that responsibility still exists. For example, attorneys have to complete training each year whether in practice or not or whether part-time or full-time. The same can be said for EMTs. EMTs must complete the same training whether they are volunteers or whether they work part-time or full-time.

Marc Booker, Detention Specialist for the Department, explained that the 40 hour annual training requirement can be thought of as education electives. Mr. Booker noted that he has conducted elective trainings, such as self and personal stress management, and the classes are in two hour blocks. This would be difficult for part-time employees to adjust their schedule to attend these classes that are not absolutely necessary to perform their jobs.

Mr. Houtz noted that he has trained his full-time staff on motivational interviewing techniques. If funding is available, part-time staff will also be able to attend that course and enhance their professional development. Mr. Houtz explained that this is the type of training that would be used to fill the 40 hour training gap with the full-time staff, but the training may not be necessary for part-time staff to complete in order for them to perform their job duties.

Board Member Neo asked how many hours qualified an employee as part-time and what is the percentage of part-time employees verses full-time employees.

Mr. Houtz answered 29 hours or less constitutes a part-time employee. In Mr. Houtz's program, he has 20 relief positions that are utilized throughout the year to cover when full-time staff take leave or need to leave the facility for training. The relief staff have limitations on the number of hours they can work a year based on whether their benefits eligible or not. So the 40 hours of training part-time staff have to attend would also consume their workable hours for the year.

Mr. Houtz went on to say that in his program, he has 20 relief workers and 75 full-time direct care staff.

Ms. Van Cuyk wanted to clarify for the Board that Mr. Houtz was explaining his program in Fairfax and that the variance request is statewide and would affect all 24 detention centers. Each detention center will have variations in the numbers they represent.

Board Member Neo asked about the percentages statewide and what are the seven required classes.

Mr. Booker stated that the numbers will vary by detention centers. There are some detention centers that do not utilize any part-time staff and others who use a great number of part-time staff.

Ms. Van Cuyk noted that the regulations state that each full-time, part-time, relief staff should complete retraining that is specific to the individual's occupational class, the position job description, and addressing any professional development needs. In addition, direct care staff are required to be retrained in facility emergency preparedness and response plan procedures, as well as suicide prevention, standard precautions, resident rights including but not limited to the prohibitive actions provided for in another regulation section, child abuse and neglect, mandatory reporting, serious

incidents, and suspected child abuse and neglect. Also any staff that apply physical restraints will be required to be retrained prior to application, staff who apply mechanical restraints shall be retrained annually, and employees who administer medication shall complete training annually. Any staff that do not complete their required training in a timely manner shall not be able to have direct care responsibilities pending completion of the retraining requirements.

Chairperson Abbott asked what the Certification Team reviews with regards to the training standards.

Mr. Bailey explained that the Certification Team looks at the required mandatory training standards. Mr. Bailey remembers an instance when one facility completed their 40 hours of training in one afternoon, which is not possible. The Certification Team reviews rosters, interviews personnel about their training needs and if they are being met, and what subjects are covered.

Chairwoman Abbott asked if there were best practice models or standards the Association recommends to the facilities.

Mr. Houtz responded that frequently there are recommendations provided at Association meetings on certain aspects of what we do collectively such as what instruments and trainings should be used; however, it is not a mandate.

Mr. Booker noted that facilities are either locally or commissioned owned. It would be very difficult for the Association to create a set of standards that would apply to all detention centers with so many different jurisdictions involved.

Board Member Holland thinks, in her own personal background dealing with employment law, that it is not industry standard to say a part-time employee will have less training than a full-time employee. If training is required for the full-time personnel, Board Member Holland is still not seeing a justification of why you would not need the training for the part-time personnel as well. Board Member Holland understands the information being provided by Mr. Houtz is from his program in Fairfax, which is not the typical facility in Virginia. Some facilities use a significant number of part-time employees.

Board Member Tamara Neo asked who pays for the training.

Mr. Houtz responded that the facility pays for the training supplied by the detention center and the hours it takes to complete. This is standard across the facilities. If an employee wants to seek professional development training or go to a conference not funded through the detention facility, they will have to use their own funds and time; however, the detention center might pay for their hours or give them credit for the training hours.

Board Member Anthony Bailey asked if there was currently a mechanism in place whereas an employee at a detention center completes training, like CPR, as part of another job, can they still receive credit at their detention center for completing the course. Board Member Bailey noted that it can be a financial burden on the organization to have to fund these additional soft skill courses that are not really necessary and also use up the 1500 hours that part-time staff are limited to per year.

It was noted that if the course description meets the correct criteria for the employee and their duties, the completed training can be transferred as long as it is documented and the number of hours is stated.

Director Block offered that the Department is comfortable with the variance and does not feel safety will be compromised in the facilities or with the residents. Given recent events in Tennessee, no organization should have a lack of standards or employees who are not qualified to work in a facility.

On a MOTION duly made by Anthony Bailey and seconded by Bill Boshier to approve the request of the Virginia Juvenile Detention Association for a variance for the 24 local and regional juvenile detention centers throughout the Commonwealth to 6VAC35-101-200 (C) of the Regulation Governing Juvenile Secure Detention Centers for a period of 24 months. Specifically the variance applies to part-time employees (e.g. those working 29 hours or less) and exempts the requirement to obtain 40 hours of annual retraining. Part-time employees must still receive all retraining required by these regulations. Roll Call was performed with the following results:

Board Member Boshier voted Aye.
Board Member Bailey voted Aye.
Board Member Neo voted Nay.
Board Member Holland voted Nay.
Chairperson Abbott voted Aye.

Motion Carried.

Lynchburg Group Home Planning Study

Angela Valentine, Chief Deputy Director, Department of Juvenile Justice

At an earlier meeting, the Board approved a needs assessment for the City of Lynchburg's proposed new group home. Ms. Valentine feels that the City of Lynchburg has clearly shown a need for a new group home and would like to move forward with the next phase which is the construction phase. Ms. Valentine introduced Bill Allen the Partner/Structural Engineer of Virginia A&E to answer questions or highlight anything from the planning study.

Chairperson Abbott asked about the therapeutic design.

Mr. Allen explained that the City of Lynchburg is currently using three outdated, deteriorated group home facilities which cause challenges. Currently a lot of time is spent transporting kids to school or to outside appointments. The therapeutic model in the proposed new group home will deliver services in the facility. Special rooms will be available for therapy, practitioners, or medical appointments. The therapeutic environment will support the youth's behavior change, engage families in treatment and minimize the trauma that youth have experienced. The group home will be a place where healing will take place, be warm and inviting. Currently there are two separate programs, a boys program and a girls program. In the process of integrating both programs and have one program that works together.

Chairperson Abbott asked if this was unique in Virginia or are therapeutic designs being used in other places.

Ms. Valentine noted that currently there are no group homes in Virginia operating under this model or practice. Mr. Allen followed up by saying they worked with a national justice planner who helped with the process and architects with experience in this type of model.

The floor plan/schematic was handed out to the Board. Mr. Allen pointed out that there are single and double sleeping units, with two female units and two male units based on the projections developed in the needs assessment.

Board Member Neo asked about the after care services.

Mr. Allen indicated that services are provided to help the youth transition from the program back to the community such as additional counseling or follow up phone calls on their progress. The follow up will continue for about three to six months depending on the child's needs.

Board Member Boshier asked how this study will interface with the broader study for all agency facilities.

Director Block noted that the Lynchburg Group Home is a locally operated facility and the broader study assessment will be for state operated facilities. The Director went on to say that the Department is certainly supportive of developing local capacity like this group home because in most cases keeping the kids in their home community will dictate better outcomes and more continuity of services and care.

Board Member Neo asked what is a calm room.

Mr. Allen responded that the intent of the room is to give the youth a place to go if they are aggravated and need to calm down. The room is not isolated or separate from other rooms; rather it is an alcove within the living unit. The goal is to give the youth time to de-escalate. Based on discussions, the group decided not to put a door on the room, the goal is not to put them in isolation, but give them space to de-escalate. Ms. Van Cuyk did point out that there is a regulation that prohibits isolation of kids in group homes.

Mr. Allen went on to tell the Board that the facility will be staff-secure, locked for entry, but unlocked for exit. There are times when kids decide to run. This is considered in the design.

Board Member Bailey asked if in the new facility, will visitors be screened for weapons.

Mr. Allen explained that in the new facility visitors will be allowed to enter the building without the use of metal detectors. Visitors will be advised not to bring in bags into the facility. Visitors will be limited to the counseling and visitation areas and not allowed back into the housing unit.

Board Member Bailey followed up by asking if there were any issues with the youth bringing contraband or weapons.

Mr. Allen noted that kids are screened when they leave the facility and when they return.

On MOTION duly made by Tamara Neo and seconded by Anthony Bailey to approve the City of Lynchburg's group home planning study move forward to the construction phase. Motion carried.

Virginia Juvenile Community Crime Control Act (VJCCCA) Plan

Angela Valentine, Chief Deputy Director, Department of Juvenile Justice

Ms. Valentine reminded the Board that at their June meeting the Board approved the extension of four localities' VJCCCA plans in order for them to complete their plans and firm up their budgets. All four plans have been received and reviewed by their community program specialists and are approved now for the Board's consideration. The first motion is for Manassas and Manassas Park. The Department is recommending approval of their plan for one year only.

On a MOTION duly made by Helivi Holland and seconded by Anthony Bailey to approve the Manassas, Manassas Park combined VJCCCA Plan for the 2015 fiscal year. Motion carried.

The other motion is for the City of Norfolk, City of Richmond, and the Tidewater Youth Services Commission plan which is a combined plan for the Tidewater area. These three plans have been reviewed and approved by their community program specialists. The Department is recommending approval for the biennium.

On MOTION duly made by Helivi Holland and seconded by Anthony Bailey to approve the City of Norfolk, City of Richmond, and the Tidewater Youth Services Commission VJCCCA plans for the 2015 and 2016 fiscal years. Motion carried.

DIRECTOR'S COMMENTS

Andrew K. Block, Jr., Director, Department of Juvenile Justice

Director Block announced the appointment by Governor McAuliffe of Angela Valentine as the Department's new Chief Deputy Director. Director Block noted Angela's vast experience within the Department and called her a trusted voice in juvenile justice.

At the Board's last meeting, Assistant Deputy Director of Operations Jack Ledden discussed the institutional transformation effort and moving towards a community model approach. The community model has required the agency to redraft policies and remove standing orders to allow support staff to engage with residents. As of today, there are two test units in operation, one at Beaumont Juvenile Correctional Center and one at Bon Air Juvenile Correctional Center. There are more engagement activities with the residents and staff is very enthusiastic about this new approach. Next week additional residential units in each facility are coming online. The Director noted problems will arise, but preliminary data indicates incidents of behavioral problems are down.

The Finance and Administration Deputy Director Daryl Francis briefed the Board at the April meeting on the Department's vacancy problem and retention issues. Good news to report in that area. As of February 2014, the Department had 81 vacant security positions. As of the end of August, the

Department had six vacant security positions. The Department's recruiting efforts has made a significant contribution and the Department is slowly becoming a better place to work.

The Director announced Peggy Parish as the new Superintendent for Beaumont Juvenile Correctional Center. Ms. Parish had been previously the Acting Superintendent.

Virginia was one of six states to receive a reentry planning grant from the Office of Juvenile Justice Delinquency Prevention. The Department will use the grant money to hire a consultant and establish a multi-agency statewide task force to help the Department's reentry program develop a long term comprehensive statewide reentry plan. The Department will also be eligible to apply for grant money to implement the plan. The first planning meeting will be next month.

Dr. Lisa Floyd has been selected as the Department's Deputy Director for Education. Dr. Floyd has vast experience with the educational system in Virginia and the Department is very fortunate to have her lead our program.

Peter Russos has been appointed as the new Court Service Director for the 26th district in the Shenandoah Valley and Colleen French has been named the new Court Service Director for the 23-A district in Roanoke.

The Commonwealth of Virginia is dealing with budget issues and like other state agencies, the Department has been asked to produce a savings plan that will reduce our budget by 5% in this current fiscal year and 7% in the next fiscal year. The Department is working very closely with the Secretary of Public Safety and Homeland Security's office, in how best to maintain our priorities and still retain our workforce. There is nothing specifically to report, but will keep the Board apprised on the situation moving forward.

NEXT MEETING

The next meeting is scheduled for November 12 at Central Office, 600 East Main Street, 12th Floor, Richmond, at 9:30 a.m.

Board Member Holland indicated she will be out of state that day and will be unable to attend. Board Member Bailey also indicated he may not be present, but will eventually let the Board know of his future plans.

EXECUTIVE SESSION MOTION

On MOTION duly by Helivi Holland and seconded by Anthony Bailey to reconvene in Executive Closed Session, pursuant to Section 2.2-3711(A)(1) and (A)(7), for a discussion of certain personnel matters and to consult with legal counsel and obtain briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation and any other specific legal matters requiring the provision of legal advice by counsel. Motion carried.

The Executive Closed Session was concluded. The members of the Board of Juvenile Justice present certified that, to the best of their knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting, and (2) only

such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed, or considered.

ADJOURNMENT

Chairperson Abbott adjourned the meeting at 11:55 a.m.